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Postrevolutionary land encroachments in Cairo: Rhizomatic urban space making and the line of flight from illegality

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Abstract: After the January 2011 revolution, new and unpermitted constructions on previously empty land went up across Cairo at striking speed. This paper explores a case of such land encroachments carried out by waste collectors in the neighbourhood of Manshiet Nasser in Cairo, Egypt. It begins with theoretical debates about the production of urban space, arguing that the de Certeauian paradigm, in which urban marginals poach or hijack others' spaces evanescently, fails to account for the way such encroachments produce permanent new spaces rhizomatically alongside the pre-existing order. The paper then turns to a close examination of the events in Manshiet Nasser. Although in a broad view the actors are marginals living in the 'informal' city, the conditions enabling the encroachments were such that only the wealthiest and most powerful members of the 'community' benefitted. In a context of generalized 'illegality', the squatters rely on practical norms and de facto recognitions to obtain some degree of tenure security. Since these efforts rely on and play off legal norms even as the squatters violate them, the paper argues that property rights in this context should be understood not in classificatory terms based on the legal/illegal binary, but rather through a trajectory of 'becoming-legal': a 'line of flight' that approaches legality asymptotically.

Keywords: urban space, squatters, informal settlements/housing, law, Cairo, Zabbaleen

Introduction

The 25 January 2011 Egyptian revolution generated a void of policing and authority. Many of Cairo's ordinary residents sought to take advantage of this void, by encroaching on and repurposing spaces throughout the city. For example, the proliferation of street vending—also observed in Tehran after the Iranian revolution (Bayat, 1997)—was striking, especially in the underground tunnels of the Cairo metro. In the past, these had been among the city's most orderly and well-policed spaces. Another important phenomenon throughout the city in the aftermath of the revolution (Sims, 2013), one on which this paper focuses, involved unpermitted construction on previously empty land. These encroachments, or land grabs, often occurred in forceful and not wholly legal ways.

A de Certeau-inspired approach to the production of urban space, emphasizing the way pre-existing spaces are repurposed through evanescent processes of 'poaching' and *détournement* (hijacking) (e.g., through clever usages of time; an example given by de Certeau is doing personal work on company time), provides an insightful basis for analysing street vending, which is mobile and fleeting. Having materialized in 'the space of others' like a flash mob, much of the vending evaporated after President Abdel Fattah

el-Sisi took power in 2014. Street vending was a temporal (and temporary) phenomenon with a spatial silhouette, but the land encroachments, on the other hand, are persistent and the new constructions immobile. Here, the de Certeauian paradigm is of less value, since it accounts for neither the permanence of the new structures nor the manner in which they allowed everyday residents of the city to physically create spaces of their own.

This paper begins by developing this argument through a discussion of debates over the production of (urban) space, before turning to a case in point in the neighbourhood of Manshiet Nasser. After some history and background about the neighbourhood, the paper explores some of the sociological and legal dimensions of the encroachments through two sets of questions. First, how was the land appropriated and who benefited? Second, how do the squatters secure their tenure, and what role does the law play in this process despite the fact that the actions were illegal? These questions allow for making two principal points.

First, in a broad-brush sociology the land grabbers clearly are urban marginals, and when viewed against the backdrop of the city as a whole and the potential responses of state actors, their position remains precarious. But from the perspective of a poorer resident of Manshiet Nasser, the fruit of the revolutionary power void was harvested by the wealthy and powerful in an unequal manner that emphasized dynamics of power and inequality within the ‘community’ and made internal contestation difficult. So although opportunities for land encroachment undoubtedly were an important pay-off of the revolution for people living on Cairo’s fringes and in the ‘informal’ city, we should be cautious about both the sociological homogenization of the squatters and an overly optimistic pro-poor reading of squatting as democratization of ownership and increased enfranchisement of the most vulnerable.

Second, although the new buildings are unlikely to ever be fully legal, they are generally at different stages in a trajectory of what might be called, drawing inspiration from the vocabulary of Deleuze and Guattari ([1980] 1987), ‘becoming-legal’. As ownership moves along this ‘line of flight’ from illegality, a series of elements accumulate and converge toward a situation that is not only an irreversible *fait accompli*, but also a legitimate practice acknowledged by state actors. In the trajectory of becoming-legal, legality is a horizon, approached asymptotically: the owner’s goal is not to achieve legality, yet some respect for and deference to legal norms must be shown.

Do subalterns produce space other than through evanescent repurposing?

From the Kabyle home in Algeria (Bourdieu, 1969) to villages in Lebanon (Gilsenan, [1982] 1990) and the Nile waterfront in Cairo (Ghannam, 2002), anthropologists of the Middle East and North Africa have long emphasized that the built environment’s form, meanings and uses are shaped by politics, power, law, economic interest, culture and so forth (see also e.g., Hall, 1969; Pétonnet, 1972). However space is both structured and structuring: space is shaped socially, but the social is also shaped by the spaces in which it unfolds. Some approaches thus emphasize how assemblages of objects (the built environment or the material dimension of space) have agentive power to shape human conduct, while others focus more on the way the built environment is built, that is,

constructed by social forces. If we were to characterize analytic approaches to space in terms of mood, we might contrast a pessimistic Foucauldian outlook with an optimistic de Certeauian one. The former tends to regard spaces as limiting agency, potentiality and spontaneity; full of power, spaces constrain, discipline and subjugate. The latter tends to emphasize that people are never rendered wholly docile or obedient but always retain a sphere of action (agency) through which they can influence the meanings, uses and effects of space, for instance by repurposing it.

In the literature on Egypt, these differences—between the spatial constitution of the social as opposed to the social constitution of space, but also between the institution's pitiless triumph and the subaltern's exuberant revenge—come out clearly in the contrast between Timothy Mitchell's *Colonising Egypt* and Farha Ghannam's *Remaking the Modern*. In the former, spaces are imposed by the colonial order as part of a project of 'containing, enframing, and disciplining' (Mitchell, 1991: 92). The latter's approach, on the other hand, emphasizes how 'as active users, men and women reshape the city through their daily practices . . . [and] various groups strategically use and manipulate space to evade attempts to discipline them and regulate their relationships and activities' (Ghannam, 2002: 22).

The differences between these two authors extend to questions of what space consists of, how it is made and to whom the prerogative of generating it belongs. Mitchell regards space as conjured through a process he calls, borrowing from Heidegger, 'enframing'. Enframing, Mitchell instructs, 'is a method of dividing up and containing, as in the construction of barracks or the rebuilding of villages, which operates by conjuring up a neutral surface or volume called "space"' (1991: 44). However, this definition of 'space' as something 'abstract and neutral, a series of inert frames or containers' (1991: 45)—an essentially Euclidean definition, in terms of magnitudes and angles, and in which people play little or no part—would satisfy few anthropologists. To anyone who regards space as not just physical but also social, processes of using and manipulating are themselves a form of spatial production. This view provides a basis for arguing that ordinary people are not just contained or enframed by spaces but also make, or least remake them as Ghannam puts it in the title of her book. This process of (re)making space may take place in the home or outside it (sidewalks, parks, shopping malls, shop floors, etc.) and thus ultimately extends to 'the city' itself, at least in a certain conceptual sense of the term.

Drawing implicitly or explicitly on the conceptual vocabulary of Michel de Certeau, the form of agency (sphere of action) through which such spatial production occurs is often thought to consist of (everyday) practices, or what de Certeau calls 'tactics'. For de Certeau, these include concealed work, the use of language, manners of cooking, walking in the city and dwelling in one's home, to cite some of the seemingly banal activities examined over the two volumes of *The Practice of Everyday Life* (de Certeau, 1984; 1998). Such practices or tactics are deployed in spaces 'instituted by others' (de Certeau, 1984: 18), namely by institutions such as large businesses (e.g., factories), the military, cities and scientific institutions. The everyday city dweller thus moves through a 'prefabricated space', the 'space of the other', 'play[ing] on and with a terrain imposed . . . and organized by the law of a foreign power' (de Certeau, 1984: 37). While de Certeau emphasizes 'the subtle, stubborn, resistant activity of groups which, since they lack their

own space, have to get along in a network of already established forces and representations', in his view ordinary people ultimately 'can only use, manipulate, and divert these spaces' (de Certeau, 1984: 18; emphasis added).

By regarding ordinary people as devoted largely to contestation and evanescent repurposing of spaces imposed by others, and at best the social rather than physical production of space, this de Certeau-inspired approach provides only a limited basis for arguing that everyday actors (re)make the city in more permanent ways. Yet, rather than merely subverting, reinterpreting or repurposing spaces instituted by others, the urban poor—whose settlements may be quite permanent and ordered—also coproduce the city through the process of creating the physical features of the built environment. This argument, while consistent with Ghannam's work, extends it significantly. In much of Cairo's recent urban development (both pre- and postrevolution), the various actors making up 'the state' in fact end up fighting a rear guard action to resist, 'blow by blow' (de Certeau's phrase), residents' forceful new initiatives, reversing the polarity of certain classic accounts of subaltern agency (Scott, 1985).

Manshiet Nasser

Having conducted ethnographic fieldwork (on development projects) and lived in the area intermittently over a period of several years beginning in 2007, I was already quite familiar with part of a Cairo neighbourhood called Manshiet Nasser, where in early 2011, an endogamous group of waste collectors and recyclers named 'Zabbaleen' appropriated and built on a piece of empty land. Before describing the appropriation, this section provides some contextual elements concerning Manshiet Nasser's history, residents and toponyms, as well as the neighbourhood's physical morphology, the extent to which residents do not legally own the land they live on and the real estate market that exists despite that fact.

History, residents and toponyms

The literature on the 'ashw'iyyat ('informal' quarters) both in Cairo and in the region (e.g., Bayat & Denis, 2000; Kipper & Fischer, 2009; Séjourné, 2011; Ababsa et al., 2012; Sims, 2012: Chap. 4) is abundant. Various aspects of the neighbourhood of Manshiet Nasser (e.g., Tekce et al., 1994; Florin, 1999; Sims, 2002: 85–6; Séjourné, 2006; du Roy, 2014) and the Zabbaleen as a social and livelihood group (e.g., Assaad, 1987/8; Meyer, 1987; Haynes & El-Hakim, 1979; Debout & Florin, 2011; Furniss, 2012) have also been studied in depth. Many of the background elements for contextualizing the 2011 appropriations are therefore already documented in detail elsewhere and will only be presented here in schematic terms.

Manshiet Nasser came into existence in the 1960s and early 1970s when two separate groups of people started squatting on a piece of arid land beyond Cairo's eastern cemeteries, to the far side of an often symbolic barrier: a set of railroad tracks. One group, traders in used building materials and construction labourers, settled next to the tracks, while the other group, the Zabbaleen, settled up high, near the cliffs, in the belly of an old quarry. It was the Zabbaleen who were responsible for the 2011 land

encroachments.

Prior to arriving in the quarry area at the foot of Moqattam Mountain, the Zabbaleen resided in the Giza Governorate, on the west bank of the Nile, in a neighbourhood called Imbaba. They were expelled from that site by governmental decree and were divided into three groups, each of which was settled at a different new location in the Cairo Governorate (on the east bank of the Nile). Some details of these events, which are well documented in the oral history, are provided in a memo signed by the Undersecretary for Housing and Services, which a local lawyer produced from his personal archive in the course of my fieldwork. The memo describes the three sites as having been chosen after field visits by a Ministry team assigned the task of relocating the zarayib, as the Zabbaleen neighbourhoods are referred to (more on this below). Manshiet Nasser, the second site mentioned in the memo, is described simply as ‘behind the Mahaggar [quarries] railroad’. Among the noteworthy aspects of the memo are its repeated emphases on the importance of locating the Zabbaleen at sites ‘distant from urban areas’ and beyond the limits of ‘future [urban] expansion’ (a gross underestimation of Cairo’s expansion over the next decades), along with spatial descriptors that rely on boundary-type landmarks in specifying the new locations, for instance railroad tracks (‘behind’ and ‘to the east of’). It is not an insignificant irony, given the almost definitional assumption that squatters act, at least initially, outside (or against) the framework of positive state law, that the government of Egypt itself settled the Zabbaleen at these sites. That is, incidentally, also true of the original non-Zabbaleen inhabitants of Manshiet Nasser, who were forcibly displaced from Ezbet al-Safih in the district of Gamaliyya—what foreigners often call ‘Islamic Cairo’ (Tekce et al., 1994).

The Zabbaleen section of the neighbourhood has a special naming convention: it is referred to by residents and nonresidents alike as the zarayib. Foreigners often refer to it as Moqattam or ‘Garbage City’, but neither of those names has any local currency. Garbage City is a pure invention of a miserabilist media and non-governmental organization (NGO) discourse. Meanwhile, Egyptians normally use the name Moqattam to refer to the up-market neighbourhood on top of the mountain, above Manshiet Nasser and the zarayib. The word zarayib establishes a double metonymy, on the one hand between the neighbourhood where the Zabbaleen live and a space reserved for unclean animals, and on the other between the Zabbaleen as people and the animals they raise (pigs). The plural of zarība, zarayib is a word for an animal enclosure but connotes a muddy place. Since zarayib are not large spaces for noble herd animals like horses or camels, its best English translation—given that pigs were historically raised on organic waste in the neighbourhood then sold to slaughter—is not ‘corral’ but ‘pig sties’. Describing oneself or others as being from ‘the pig sties’ clearly has an especially negative symbolism and connotation in an Arabic-speaking and predominantly Muslim context, where the pig is religiously taboo. The zarayib epitomize what are supposed to be the defining features of the ‘ashw’iyyat in a commonly held social imaginary, which construes them not just as spaces but moral categories, associated with migrants from ‘rural’ (especially Upper) Egypt, who bring with them unhygienic habits, disease, backwardness, moral turpitude and dirty animals (relatedly, see Ghannam, 2002: 64–65).

Physical morphology, forms of illegality and the ‘informal’ real estate market The

physical morphology (rectilinear versus more medina-like) of the 'ashw'iyyat, like their forms of illegality, depends on whether they are built on desert or agricultural land. In Cairo, 80 per cent of 'ashw'iyyat are on agricultural land (Sims, 2002: 80), which is normally legally owned by a farmer who also legally sells it to another person (see Séjourné, 2012: 107). The legal problem arises neither from the absence of valid underlying title nor from the sale contract being void, but from the subsequent act of construction, since it is prohibited to build on cultivable land. In Latin America this form of urban development, in which the land is not squatted but the constructions are prohibited, is sometimes called 'pirate urbanization' (Gonzalez, 2009: 241). Since 'ashw'iyyat of this kind are laid out along pre-existing irrigation networks, their street networks tend to be extremely orderly and rectilinear.

Manshiet Nasser belongs to the second broad category of 'ashw'iyyat built on desert land. In Egypt, desert lands are state property (similar to what Commonwealth countries call 'Crown Lands'). Whereas the formerly agricultural 'ashw'iyyat might be thought of as suffering from 'weak' or 'partial' illegality insofar as they are built on titled land (even though the construction itself is unauthorized), the formerly desert 'ashw'iyyat suffer from 'strong' or 'complete' illegality insofar as the squatters lack both the valid underlying title and permission to construct. These 'ashw'iyyat often take on a more medina-like aspect, as they follow the contours of the land and other logics that generate winding streets.

Despite suffering from 'strong' or 'complete' illegality, the Zabbaleen portion of Manshiet Nasser (along with the rest of the neighbourhood, although I have not personally conducted fieldwork there) has a thriving real estate market, with a quite accurate though essentially unrecorded cadastre and valuations. Land prices were upwards of EGP 3000 or approximately USD 600/m² just prior to the revolution. Land titles are recognized on a customary basis by residents within the neighbourhood, though disputes over things like inheritance are common and at times acrimonious, even violent. The owner whose lands were appropriated after the revolution was not enmeshed in Zabbaleen kin networks and therefore could not rely on customary deference toward his ownership or draw on the collective strength of a patrilineage to defend himself when threatened. He was reliant for protection on a form of power that evaporated in early 2011: that of the state.

Postrevolutionary encroachments

Despite the increasing density and pressure to build, a bare tract of land (Figure 1) at the southernmost entrance to Manshiet Nasser off the Moqattam road stood as the exception to the general rule that 'land in Cairo is rarely empty' (Elyachar, 2005: 68). However, after January 2011 (the start of the revolution) the scene reverted to the norm, as the neighbourhood's Zabbaleen residents rapidly invaded and built on the land (Figures 1, 2). This section begins by describing the appropriated lands formerly owned by a man called Al-Narsh. It then describes how they were protected from encroachment prior to 2011 and how the change of circumstances in early 2011 made it impossible for Al-Narsh to continue to assert his ownership of the land. It concludes by examining how the legal, financial and social conditions of their appropriation were such that only wealthy

individuals were able to take advantage of this opportunity.

Description of the appropriated land

The area that was built up consists of two parcels divided by a road (Figure 2). The first of these, to the west of the main road leading into the neighbourhood, was leased by the state to a private individual for the purposes of stone quarrying, an activity that had been going on in the area for centuries. The quarrying had produced a 20-metre-deep hole, which was backfilled in a matter of weeks once the appropriations began. The second parcel of land, to the east of the main road, was used by the Al-Narsh tourism company to park buses. The owner of the company, Al-Narsh, had also built a restaurant called 'the jungle' in one corner of the land just beneath the Moqattam cliffs. Hence the parcel is referred to in the neighbourhood as Ard al-Jinjel or 'the jungle land' (Arabic speakers from Cairo generally pronounce the English letter 'g' as 'j').



Figure 1. Unbuilt area. Source: Google Earth, historical views, November 2010.



Figure 2. Above: unbuilt area November 2010. Below: same area after construction, April 2014. Source: Google Earth, historical views.

The owner of the Al-Narsh tourism company, which had used the lands in these ways since approximately 1969, obtained a court ruling in 1990 conferring ownership of both pieces of land on the basis of the doctrine of *wad' yadd*—literally ‘the laying of hands’. This is a form of squatter’s rights or what in common law systems is often referred to as adverse possession and in civil law systems as acquisitive prescription. The construction of the restaurant was in all likelihood a deliberate strategy to strengthen the adverse possession case, since in the years I knew it, the restaurant was a failure as a commercial enterprise. Had its aim been to attract patrons, it would logically have been located closer to the main Moqattam road. Al-Narsh’s ownership right was registered with the land titles office in March 1993, after the initial court decision was confirmed on appeal. However the Governorate of Cairo continued to lease out the quarry to a third party long after losing the case, illustrating the limits of formal law and court processes in determining the legitimacy and security of land occupation, including vis-à-vis state actors, a point that is further elaborated in the next section.

Means by which the land was appropriated

Al-Narsh employed three or four guards to protect his land and parked vehicles. The most senior among them is a Zabbaleen resident of Manshiet Nasser. When I asked him to explain what happened to the land after the revolution, he began by introducing his former boss as ‘the whale of Moqattam’: the biggest man in town.

He has 42 commercial operations, from the Moqattam to the Red Sea. His wife was a minister, his brothers were officers of the highest rank in the military, and his daughters live in Sharm al-Sheikh. One of them once hit a police officer at the airport with her shoe . . . (pers. comm., Cairo, 24 June 2016).

In other words, they were untouchable. The fact that his daughter could hit a police officer with impunity was a particularly telling detail in this description.

The guard explained in the same interview that prior to the revolution, whenever the Zabbaleen appropriated portions of Al-Narsh’s land, the guards would contact the local state authorities to inform them of the encroachment, and the buildings would be removed.

Someone would build something, I would go tell the Hayy [the local authority in Manshiet Nasser], and they would knock it down. People would build again, and the same thing would happen. I told the guy [Al-Narsh], you have 33 feddans [Egyptian unit for measurement of land areas, approximately equivalent to an acre]. Why don’t you give 3 of them over to the squatters, and you can win the other 30. I took people [Zabbaleen residents] with me to talk with him, and they offered EGP 500/m², then [doubled it to] EGP 1000, but he refused (pers. comm., Cairo, 24 June 2016).

Thus, through recourse to state power, Al-Narsh was able to retain control of the land for approximately 40 years, both prior to and after the court decision, and without ceding even the 10 per cent his guard suggested as appeasement.

‘But then what happened?’ the guard asked rhetorically. ‘When we experienced infiltrat amni [lax security] after the protests of 25 January, people started to squat on the land.’ This time around, things were different. A small group of individuals belonging to one of the most powerful clans in the area (more on this in a moment) led an initiative to ‘help the owner to understand’, as one person put it euphemistically, ‘that the land was for the people in the zarayib (pers. obs., Cairo, March 2013).’ The guard explained, insisting on the irony of Al-Narsh’s previous refusal of offers:

When the people [demanding the land] became more numerous, and problems started, and people were going to kill him, he agreed to sell [the land] at EGP 400/m². When the problems increased, he sold it for EGP 400! That was during the revolution. The sale happened after the revolution (pers. comm., Cairo, 24 June 2016).

According to various accounts, Al-Narsh was told that if he did not sell the land to the Zabbaleen, they would simply take it and he would get nothing. According to the guard’s son (pers. obs., Cairo, March 2013), the Zabbaleen told Al-Narsh that ‘if he tried to give it [the land] to anyone else but them, they would kill him.’

The land sold for EGP 400/m² was in the quarry area and was approximately 55 000 m². The Jinjel land, approximately 60 000 m², was sold subsequently for prices between EGP 1000/m² and EGP 1200/m². Al-Narsh was able to retain only a sliver of land on which he had established a garage and began building a mall (also taking advantage of the lax security) as well as another piece of land bordering the road leading up to Moqattam, which remains empty until today.

Many people telling this story noted that the people who threatened Al-Narsh belonged to clans reputed for wealth and recourse to physical force, occasionally including firearms. The land sale price clearly signals that the sale was made under duress. Parcels bought for EGP 400/m² in the immediate aftermath of the revolution were reselling for EGP 2500–3500/m² in March 2013. One man paid EGP 5000/m² in 2013 for a prime plot of 200 m² with a view of the citadel. The overall cost to him, just for the bare land, was approximately USD 171 000 at an exchange rate of 5.85 (USD/EGP in February 2011). By the summer of 2016, it was claimed that the few remaining empty parcels were selling for EGP 7000–8000/m². These prices reveal that land costs in one of Cairo’s most well-known informal neighbourhoods are comparable to the top end of the formal market in some of Cairo’s most upscale neighbourhoods.

Although the price paid to Al-Narsh was extremely low relative to the market price, it was still a very large sum. At EGP 400/m², the 55 000-m² quarry area would have fetched EGP 22 million or USD 3.76 million, and at EGP 1000/m², the 60 000-m² Ard al-Jinjel area would have cost a minimum of EGP 60 million or USD 10.256 million. This was essentially pure profit for Al-Narsh. Although the successful party to a wad’ yadd case must pay the government for the land, the doctrine of mithl as-si’r (equal price) dictates that this price is the appraisal value at the time Al-Narsh occupied the land in 1969, which in this case was determined to be EGP 0.25/m².

Who benefitted from the land appropriations Two things are therefore clear about these land encroachments: they relied on a credible threat of physical force in order to intimidate the owner, and they required rapid mobilization of at least USD 15 million in capital, in a context where access to formal credit is somewhere between unlikely and impossible. To pull this off, conglomerates that combined the two necessary elements were formed from within the Zabbaleen kin network: men with significant financial resources and men who were powerful by virtue of social status, including factors such as the number of their male relatives and their reputations for recourse to brute physical force. These categories may obviously overlap but are not necessarily coterminous.

Most Zabbaleen, among whom an endogamous marriage pattern is predominant, identify with one of approximately 15 extended patrilineal descent groups of varying sizes and reputations. At least one man from most of the powerful clans was included in a conglomerate. The members of various clans explained to me in the course of conversations I had in the neighbourhood that had one of their men not been included, they would have 'caused problems' for the other clans. So the play of physical force was not only between the Zabbaleen and the land owner, but also among the Zabbaleen themselves. However the inclusion of men from various clans in a conglomerate did not guarantee democratic access to the newly appropriated land or even its distribution to other members of the clans, only that the men included in the conglomerate personally acquired parcels. The men forming the initial conglomerates each chose to make use of the land in different ways, some building on a portion and selling a portion, some selling it all, and others holding onto it. Land was sold on varying terms: sometimes for cash and other times on qist (credit) generally on terms that required paying 20 per cent of the outstanding principal as interest each year until the principal was repaid in full. As a result of these sales the land is now 'owned' (socially, at least) by a broader patchwork of individuals. However this diversification was not a democratization. On the contrary, since as time passed, the price increased in the manner described above, and access was increasingly limited to a wealthy elite.

Another factor influencing the demographics of the acquirers was the risk of fines and demolitions. As David Sims (2002) has argued, controls or restrictions on illegal construction in Cairo have not prevented it from occurring. Rather, the necessity of circumventing legal norms creates additional cost burdens for those who want to build, thus skewing access to property toward wealthier individuals. Hence governmental regulation of the sector has tended to exclude the poorest actors, by making auto-construction less affordable than in the past or in other countries such as in Latin America (Sims, 2002: 95).

In Manshiet Nasser, fines are part of the cost of doing business and can therefore be more accurately regarded as a tax on new constructions rather than punishment for acting outside the law. The large number of such cases have made them one of the core areas of practice for some lawyers in the neighbourhood. One such lawyer explained that as things stood in 2016, the law imposed a minimum fine of EGP 2000 per punishable act (a flat rate) and a maximum determined on the basis of a modular rate of EGP 600/m² multiplied by the surface area of the construction, multiplied by the number of punishable acts (pers. comm., Cairo, 20 June 2016). A ground floor is generally reputed to consist of

four punishable acts. Subsequent floors generally consist of two acts. Thus, the owner of a four-storey house covering a surface area of 100 m² could be fined a maximum of EGP 840 000 (EGP 600/m² × 100 m² × 4 acts, or EGP 240 000, for the ground floor + EGP 600/m² × 100 m² × 2 acts, or EGP 120 000, each for the subsequent floors) and a minimum of EGP 20 000 (EGP 2000 × 4 acts for the ground floor + EGP 2000 × 2 acts for each subsequent floor).

The amount of the fine is not initially known to the house owners, who simply receive a notice that they have been fined. After receiving such a notice, they would typically retain a lawyer to ascertain the amount and, through a combination of court proceedings and bribes, reduce the amount (generally the maximum) to the minimum fixed rate of EGP 2000 per act. Thus, although fines over EGP 100 000 are commonly sought, the highest amount that I am aware of anyone actually paying is EGP 30 000 (approximately USD 5000). However the cost to the accused is higher than the fine, since legal fees and bribes must be factored in. For instance one set of clients negotiated a fee of EGP 8000 with a lawyer for a case consisting of two illegal acts. The anticipated fine in this case, after the lawyer's intervention, was EGP 4000. The remaining EGP 4000 covered the legal fee and the necessary bribes. Although the existence of informality/illegality within the bureaucracy (Olivier de Sardan, 2013: 51; also Koster & Nuijten, 2016, the introduction to this special section) is hardly a secret in Egypt, the lawyer refused to reveal the amount and the identity of the recipients of bribes, despite my probing of the issue.

The risk of eviction or destruction also excluded all but the wealthiest Zabbaleen. This was underscored, for example, in a conversation with two brothers in their late 20s and early 30s (pers. comm., Cairo, March 2013). They were disturbed by their neighbours, and their home had architectural flaws that caused them to fear its collapse. I asked why they did not purchase some of the newly-appropriated land in order to try to get away from these problems. Unlike most Zabbaleen, they had inherited sufficient wealth for such a purchase. However the younger brother explained that they would only have built in the new area if they could suffer the investment's loss without being completely wiped out, in the sudden event of governmental action to raze the homes and reclaim the land. They could not risk investing their entire savings in an uncertain project.

Along similar lines, the quarry owner's guard was given a 200-m² plot in compensation for his years of loyal service, and purchased another plot of the same size for EGP 400/m². He subsequently sold both plots for EGP 1500/m². His son often reproached him for doing so, lamenting that with hindsight if they had waited a little longer until the price rose, they could have been rich. The son was present when I interviewed the father and this subject of discord resurfaced between them despite the son having sat quiet for most of the interview. The father defended himself as follows: 'But no one knew what would happen. By God, if the government was determined about it—I'm speaking truthfully—if the president wanted these lands back, do you think he would succeed in taking them, or not (pers. comm., Cairo, March 2013)?' The father felt he should sell the land quickly, because of the uncertainty over whether his land grab would withstand the test of time. This attitude reflects the fact that the family lacked the financial or social power of the other acquirers. Thus, those with sufficient wealth and social status to act boldly in this

market made more money than those who felt their positions were weak and needed to minimize risk.

Tekce, Oldham and Shorter claim that in Manshiet Nasser in the 1980s, persons attempting to appropriate a second plot of land when already in possession of a place to live were routinely ‘forced by social pressure to give up the second claim to persons who had no plot based on a sense of equity’ (Tekce et al., 1994: 24). If such romantic enforcement of social justice ever did exist in the neighbourhood, it had certainly ceased by the time of the postrevolutionary land encroachments. In the vast majority of cases (if not all), the appropriated parcels were second plots of existing landowners. Some interviewees indicated that they had the opportunity to participate in appropriations but refused to do so on moral grounds. Although they condemned those who had participated as greedy, this moral discourse seems to have no effect on landownership. As one might expect, a process as unequal and potentially lucrative as this was not without conflict, but to my knowledge violence erupted not between the acquirers and the landless or those who did not succeed in obtaining a second plot, but rather within the group that acquired the land. For example a dispute over how to share a 3000-m² prime piece of land at the entrance of the neighbourhood led to one partner wounding another by gunshot.

The becoming-legal of the new constructions

The people who appropriated these lands rely on a variety of elements to avoid eviction and achieve a degree of legitimacy. These include speedy construction, so that their possession is solidly anchored before the government has time to react; water and electricity connections, which imply *de facto* state recognitions; exchanges of money that, while not conferring title, indicate a degree of acquiescence on the part of the former owner and state officials; and the aesthetics of the buildings, which seek to alter and contest perceptions that could lead to the law being enforced. These factors can be thought of as points along a line of flight (Deleuze & Guattari, [1980] 1987) from illegality. Since the trajectory of this line of flight is shaped by law and legal procedures even as they are violated, I suggest that cases such as the above cannot be understood through categorical terms that rely on a sharp distinction between legal and illegal, and should instead be conceptualized as a process of becoming-legal. This section begins by elaborating on the gap between legal and practical norms, between what the law says and what government officials actually do (including the existence of informality and illegality within the bureaucracy, already mentioned above), and contradictions that exist even within the formal legal system. This section then turns to the different aspects of the line of flight enumerated above.

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The insufficiency of the ‘categorical’ approach to illegality In a discussion with one informant from Manshiet Nasser (pers. comm., Cairo, May 2014), he explained that what allowed the Zabbaleen to act after the revolution was the sudden absence of *ḥukūma* (government). When I restated his view in terms of the absence of *qanūn* (law), without thinking much about the difference between the two terms, he made a point of correcting my vocabulary: what created the opportunity after the revolution was not the absence of

law, but of government, he insisted. Whether the law was as present as ever, or as absent as ever, I took the speaker to mean that what the people wearing uniforms actually do matters more than what the rule book says. Indeed state officials themselves are deeply involved in the emergence, proliferation and perennality of extralegal urban development and tenure practices in Egypt. For example when Eric Denis (2012) studied Hernando de Soto's land tenure formalization project in Egypt, he discovered that the reasons for the project's spectacular failure went beyond bureaucratic lethargy or inefficiency. Low-ranking civil servants and government officials themselves worked against its implementation, because they were invested in and benefited from (financially and otherwise) the lack of clarity around land titles.

One way of theorizing this divide between, on the one hand, the codified and presumptive functioning of a system and, on the other, accepted or habitual practices and customs, is in terms of a gap between the formal law that purportedly governs ownership and the practical norms (Olivier de Sardan & Herdt, 2015) that in fact determine the outcome of most cases. This approach seeks to adopt a sympathetic view, according to which circumspection for formal legal process and court proceedings reflects a practical savvy informed by circumstance, rather than wanton or 'criminal' disregard for the law. This is not the same as saying the law is irrelevant, since in the case of land rights in Egypt the relevant practical norms differ from but are not entirely independent of positive law. 'Category' or 'classificatory' thinking (Laplantine, 2015) in which actions or forms of possession are labelled legal or illegal, or even fixed somewhere along a spectrum between the two (escaping the oversimplified binarism), makes little sense in a context where the label 'illegal' gives no indication of how widespread, accepted or perennial the phenomenon is. Most of Cairo's new urban constructions are illegal in one respect or another, yet there they stand. Meanwhile, legal right is no guarantee of untroubled possession, as Al-Narsh's fate clearly demonstrates. Al-Narsh's ownership right was contested and overridden not only by other private actors at a time when he could not rely on government protection; the Governorate of Cairo did the same prior to the revolution, by continuing to lease a portion of the land to a third party, even after a court had ruled that the land no longer belonged to the state. Thus, as the editors of the present special section point out (Koster & Nuijten, 2016), contradictions within formal regulations and official legal processes may make it incorrect, in contexts such as this one, to assume that a formally recognized legal right offers security, or that following the procedures prescribed by official legal process will eliminate risk or dispute. There are, however, a number of factors that solidify ownership claims, as will now be discussed.

Possession is nine-tenths of the law

The formal penalties for illegal construction range from fines to demolition and even imprisonment of both the owner and builder (Denis, 2012: 230, contra Elyachar, 2005: 72). But in practice the more draconian penalties are rarely if ever applied: 'cases of demolition of districts constructed on privately owned land or on state-owned land are quite rare' in Cairo (Séjourné, 2012: 104–5; see also Denis, 2012: 235; Sims, 2002). Since 'reversing' informal urbanization through eviction or destruction is uncommon, the Zabbaleen (and other 'ashw'iyyat residents alike) deploy a *fait accompli* strategy: when the decision is made to build, work often begins on a holiday or at night and goes

on 24 hours a day in an attempt to firmly establish building structures before government officials have time to react. Several floors can be erected over a weekend, and the buildings sprout up at incredible speed, like time-lapse sequences of a plant's growth over a whole season.

Some demolitions occurred in Manshiet Nasser shortly after the revolution; others continue to occur sporadically, up to the time of writing. However these mainly affected enclosure walls that owners erect on boundaries of parcels in order to signify their appropriation. Recognizably different from efforts to construct a home, these walls typically consist of large white or grey cinder blocks rather than the smaller red bricks used for homes and often consist of only a few courses of bricks with no reinforced concrete. In the course of my fieldwork, I did not find any demolitions of buildings that were genuinely intended by their owners to become living or working spaces.

Documents, utility connections and other de facto recognitions

One question that could be asked about these land encroachments is, considering that in the end the constructions are still illegal and their ownership is never formally recognized in law, why do people exchange money with the original owner and willingly pay the fines? The simple answer with respect to the fines is that in case of nonpayment there is a risk of imprisonment. However the extent to which some residents welcomed the chance to pay the fines appears to go beyond avoiding risk to personal liberty. The sale is more paradoxical. Why pay USD 15 million for contracts that cannot be registered with the land titles office and in a context where the threat of force would seemingly allow for seizing the land outright?

Although the writing at the top of the documents obtained in exchange for the money given to the land's previous owner identifies them as 'aqd, or contracts, most people refer to them as mustanad, meaning simply a 'document'. The root word of mustanad, sanad, according to Hinds and Badawi's Dictionary of Egyptian Arabic, refers to an 'item of evidence, the basis of a legal argument'. When the mustanad respects the terms of 'urfi (customary) contracts—for example when it is signed by the parties and two male witnesses—it can later be homologated through the court procedure of da'wā ṣaḥa tawqī' (authentic signature claim). Resort to this procedure is common, even though it is not the required form for real estate conveyancing and therefore does not confer a basis for the registration of ownership rights with the land titles office (see Sims, 2002: 87). The mustanad thus has a status like that of a holographic will: while not legally binding, it has evidentiary value. It is 'written up and signed in order to "increase the legitimacy, if not the legality"', as the introduction of the present special section puts it (Koster & Nuijten, 2016, quoting Varley, 2002: 452). The desire for the mustanad is part of a logic aimed at generating evidence, even though it does not meet legal requirements. The same thinking is at work when people undertake procedures aimed at obtaining tamlik (legal ownership), knowing full well that they will never get to the end of the process in their lifetimes (Sims, 2002: 83–84). Partially completing the process can strengthen one's claim even if full legal ownership is never recognized or obtained.

One of the main practical uses of the mustanad is in obtaining water and electricity

supply to the new buildings. The utilities provide for practical needs but also confer a certain recognition and legitimacy: the utilities are publicly owned, and the utilities authorities install official meters in the premises they supply. By 2014 many buildings in the newly occupied area had water and electricity supplies, which were obtained through ‘self-help’ connections, not official provision. People with illegal hook-ups still endeavour to obtain a meter and a legal connection, suggesting that their aims go beyond meeting their material necessities, particularly since after metering they will have to pay for a service they previously stole.

In 2016 there was a scare in the neighbourhood, as rumours spread that some residents would be evicted and that their commercial recycling activities would be banned from the area. The rumours generated a Facebook discussion (pers. comm., 8 June 2016) among a practicing lawyer, a law graduate (who is now the owner of a plastics recycling workshop) and some of their friends, in which they clarified how they saw the issue of ownership in practice and how such elements secured the residents’ claims even if they were illegal:

Law graduate: Manshiet Nasser is government land and all of it is squatted, it’s not legal. So forget about legally registering your property in your name. The contracts we write up are kidda wi kidda [just something] between us. [. . .]

Lawyer: Don’t tell me that these contracts are just something between us because they prove the existence rights and obligations between individuals [note that he insists on their evidentiary value even though they are not a basis for land titles registration]. On their basis, people changed homes. That is the first point. Second, these contracts were also used to get utility connections. The fact that we cannot register the contracts at the land titles office is not the problem of Manshiet Nasser alone, but the whole of Egypt.

Law graduate: That is correct, ya mitr [a form of address for lawyers, derived from the French]. Is it OK for me to take your house when you have a contract? Lawyer: Even if he has no contract, he has electricity in his name, and water, it is a publicly known fact that he lives there, the municipality has made additions/improvements [such as street lights, paved roads, etc.] and there has been stable, unperturbed ownership, without contestation, for a long period of time.

[. . .] A friend: This is why you pay ‘awayid [meaning either royalties or taxes assessed on property for local purposes, most likely a euphemism for bribes in this instance].

Thus, the practical and social effects of the exchanges of money—the money paid to the original owner but fines and bribes as well—exceed their legal implications. The monetary exchanges indicate acquiescence, generate documentation and form the basis for other de facto recognitions such as utility hook-ups.

The aesthetics of the new constructions

The typical built form of the ‘ashw’iyyat—banal and undecorated concrete, rebar and red

brick structures that look as though they are perpetually under construction—is not at all that of the ‘outside in’ architecture of the stereotypical riyadh-style home supposed to typify the ‘Islamic City’. A built form that eliminates open space between buildings and seeks to enclose it within inner courtyards invisible to passers-by is almost impossible to find in contemporary Cairo. However, somewhat in keeping with that idealized (to some extent, imagined) ‘classic’ form, apart from balconies, the old buildings in Manshiet Nasser almost all ‘present to the public streets and alleyways a uniform and (a chastely decorated door occasionally aside) extremely subdued face’ (Geertz, 1989: 299). Decorative architectural elements in the Zabbaleen portion of Manshiet Nasser are few to nonexistent (Figure 3), apart from religious markings such as crosses, and Islamic or Christian phrases appearing in relief in walls.

However, the new constructions differ from the previously familiar look of buildings in the area, most notably in the former’s adoption of decorative facades and curved balconies extending out from the familiar rectangular building profile (Figures 4–6). To understand why this is the case, we need to consider that the new buildings are visible from the Moqattam road and are thus seen by non-Zabbaleen passers-by, in particular the residents of the wealthy Moqattam neighbourhood. These onlookers, as well as government officials considering how to deal with the new constructions, can be safely assumed to share in the commonly held social imaginary that sees the ‘ashw’iyyat in general and the zarayib in particular as a foil for the ‘modern’ and ‘developed’ city. The root word ‘ashwā’ī, meaning ‘random in nature’, is not insignificant here, particularly since in Egypt the semantic field of random, chaotic, disordered, mixed, etc., is more pejorative than in English. The vocabulary of ‘disorder’ has been central in framing and justifying the Egyptian bureaucracy’s project of modernizing and beautifying (read: disciplining or eliminating) not just the ‘ashw’iyyat, but other domains as disparate as religious festivals and road traffic (Schielke, 2008; Singerman, 2009).

The decorative features are thus not just a question of pride, prestige or status for the owners, but also one of security against eviction. In the context of a discourse on the ‘ashw’iyyat that includes an important aesthetic dimension, the new buildings seek to assert, through their attractiveness, their legitimate belonging to Cairo’s modern cityscape. They are an attempt to project a particular (and novel) image of the garbage collectors and their neighbourhood, to change the face of the zarayib and become worthy of respect in the eyes of the government, as one person explained in the previously mentioned discussion on Facebook (pers. comm., 8 June 2016):

forget about the problem of ownership [the strictly legal question]. When the government ‘becomes generous to us,’ I suggest that we do the following. And I think that 80 per cent of the people of the neighbourhood could participate in this [financially]. We can do a beautification project for the building facades. We’ll get a company . . . to propose a few designs, and we’ll choose a unified colour scheme for the whole area. This way we will attract the attention of the people in government who are responsible for dealing with us, and we’ll become a positive example, worthy of respect.



Figure 3. Above: Typical construction style in Manshiet Nasser. Photograph by author, January 2010. Below: view of the land encroachments from above, on the Moqattam road. Immediately after taking this photo I was stopped and questioned by plainclothes police officers. Photograph by author, March 2013.

This idea inspired a local association to begin a fundraising drive to build a wall and do landscaping at the entrance of the neighbourhood, for which the association sought

donations from prominent local people and posted the amount of their contribution on Facebook to encourage others to donate.



Figure 4. Above: construction under way. White brick enclosure walls were at times destroyed, but during my fieldwork no red brick constructions were demolished. Below: Moqattam road frontage, with evidence of the increased attention paid to facades of buildings visible from the road. Photograph by author, March 2013.



Figure 5. Curved balconies extending out from the building, architectural features not previously seen in Manshiet Nasser. The roof of the unfinished building in the background to the right is the vantage point from which Figure 4 was photographed. Photograph by author, October 2013.



Figure 6. A decorative facade, previously unseen in Manshiet Nasser. Foreground: a Zabbaleen truck returning from waste collection rounds. Photograph by author, October 2013.

Conclusion

People all across Cairo are making the spaces they inhabit, not just through social

practices but by literally building them out of bricks and mortar. The kind of de Certeau-inspired analysis offered by an author like Ghannam does not provide an adequate basis for theorizing a contribution to urban space of this kind. Following François Laplantine's invitation to rethink the social through the mediation of the botanical (2015: 60–62), if we were to use Deleuze and Guattari's dendrological vocabulary to analogize space to a plant, then I argue that de Certeau and Ghannam's critique does not 'shatter the linear order' (Deleuze & Guattari, [1980] 1987: 92) of space conceived of like 'the tree or root, which plots a point, fixes an order' (Deleuze & Guattari, [1980] 1987: 7), but seeks instead to show how subaltern practices emerge from the trunk like branches or offshoots. Such arborescent ramifications of a solidified, pre-existent linear order—'micro-multiplicities' to use another term from Deleuze and Guattari—certainly exist. However this paper has sought to expand our approach to the way marginals make urban space, in order to also account for a different kind of space making—rhizomatic urban space making—in which new spaces sprout alongside pre-existing spatial forms the way shoots appear at intervals along the horizontal rootstalks botanists call rhizomes.

I have made two main points about Manshiet Nasser, an example of a particular neighbourhood at quite a particular postrevolutionary moment but which speaks to much broader themes. The first is that the conditions under which the land appropriations occurred allowed only the wealthiest members of the local community to benefit. Second, drawing on Deleuze and Guattari's antistructural emphasis on 'becomings', I argue that the new constructions are involved in a process of becoming-legal. This notion attempts to reconcile the fact that property rights and tenure security cannot be understood through positive law alone, yet law gives shape to their trajectory along a line of flight that is 'forever in the process of being drawn, toward a new acceptance, the opposite of renunciation or resignation' (Deleuze & Guattari, [1980] 1987: 207).

This ambiguous, simultaneously progressive and regressive case challenges the implicit or explicit David and Goliath politics through which phenomena of this kind are often approached in scholarly writing. While the 'dour atmosphere of institutional triumphalism' (Buchanan & Lambert, 2005: 3) of Foucauldian analyses contrasts with the creative and rebellious individuality that animates the de Certeauian approach, the two are in fact not divided in their underlying politics but rather in their optimism about whether the anarchic spirit that both implicitly endorse is crushed—or alive and well. And just as similar politics may lead to differing analyses, differing politics may lead to similar conclusions, as when left-leaning 'heroic' squatter stories (cf. Davis, 2006: 44) and right-leaning post-Washington consensus tales of the urban poor's entrepreneurial capacity for unaided self-help (à la Hernando de Soto) both glorify urban squatters and their 'agency'. Perhaps we should be satisfied that in 2011 the people from the 'pig sties' put one over on the 'whale of Moqattam', a man so powerful his daughter could get away with hitting a police officer with her shoe. But I struggle to find a cause for rejoicing when the biggest man in town made out with USD 15 million, and those who seized the land from him are a who's who of stacked and interlocking local inequalities.

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